

Appln No. 09/522,185

Amdt date April 25, 2005

Reply to Office action of January 25, 2005

REMARKS/ARGUMENTS

Claims 1, 3 - 12, 26, 38 - 48, 49, 74, and 91 are pending of which claims 1, 26, 49, and 74 are independent. Claims 1, 3, 4, 9, 12, 26, 38, 40, 41, 43, 45 - 49, 74, and 91 are amended. Claims 2, 13 - 25, 27 - 37, 50 - 73 75 - 89, 90, and 92 - 94 are canceled to further reduce the total number of claims to 26, as suggested by the Examiner.

Claims 3, 4, 9, 12, 38, 40, 41, 43, and 45 - 48 are amended for informalities. The term "asynchronous" has been canceled from the claims in order to enhance the prosecution of the present application.

Claims 1 - 94 are rejected under 35 U.S.C. 103(a) as being unpatenatable over Arimilli (U.S. 6,515,984) in view of Murphy (U.S. 2002/0036791). Applicants submit that all of the claims currently pending in this application are patentably distinguishable over the cited references, and reconsideration and allowance of this application are respectfully requested.

Amended independent claim 1 includes, among other limitations, "a rate synchronizer for receiving data rate codes from the packet based network and setting a data rate of a telephony device coupled to the network line in response to the received data rate codes." Arimilli and Murphy, alone or in combination, do not teach or suggest the above limitation.

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Rather, the sections of Arimilli, cited by the Office Action as disclosing rates and synchronization, all disclose speech compression of a serial bit stream of 64,000 bps data rate that is compressed into a 9200 bps encoding bit stream and a frame rate of 20 mili-seconds. (See, Arimilli, col. 11, lines 50 - 65, col. 12, lines 25 - 30, col. 15, lines 30 - 35, col. 19 lines 25 - 35). Because the data rate of Arimilli's system does not change, there is no disclosure of "receiving data rate codes ... and setting a data rate of a telephony device." Murphy does not disclose this limitation either. As a result, Arimilli and Murphy, alone or in combination, do not teach or suggest the "rate synchronizer" of amended claim 1.

Amended independent claim 26 includes, among other limitations, "a call discriminator, for discriminating between the voice signals and the data signals by detecting presence of a predetermined tone, and for selectively enabling at least one of the voice exchange and the data exchange." (Underlining added). Support for this amendment may be found, for example, on pages 11 - 14 of the specification. Arimilli and Murphy, alone or in combination, do not teach or suggest the above limitation.

Rather, Arimilli describes distinguishing the voice data from the facsimile data through the header of the data packets where "the facsimile data is placed in a data packet similar to

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the voice data packet ... except the header of the packet distinguishes between voice data and facsimile data." (Arimilli, col. 24, lines 10 - 15).

The sections of Arimilli cited by the Office Action as disclosing a call discriminator allude to distinguishing voice from fax by the DSP but do not set forth the mechanism of achieving this task, specially with respect to the voice data. (Arimilli, col. 9, lines 59 - 66, col. 10, lines 15 - 19). As such, there is no teaching or suggestion in Arimilli about "discriminating between the voice signals and the data signals ... by detecting presence of a predetermined tone." (Underlining added). Murphy does not mention a "call discriminator" altogether. Consequently, independent claim 26 is patentable over the combination of Arimilli and Murphy.

Amended independent claims 49 and 74 include similar limitations that are not taught or suggested by the cited references. Therefore, these claims are also patentable over the cited references.

In short, independent claims 1, 26, 49, and 74 define a novel and unobvious invention over the cited references. Remaining dependent claims 3 - 12, 38 - 48, and 91 are dependent from claims 1, 26, and 74 respectively. These dependent claims include all the limitations of their respective independent claims and additional limitations therein. Accordingly, these

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claims are also allowable over the cited references, as being dependent from allowable independent claims and for the additional limitations they include therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,

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